APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,621	02/25/2000	Harlan Sexton	50277-258	7347

7590   10/27/2004

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EXAMINER
HO, THE T

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/512,621	SEXTON ET AL.
	Examiner	Art Unit
	The Thanh Ho	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2004</u> .

2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6,8-15 and 17-23</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-6,8-15 and 17-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1. This action is in response to the amendment filed 7/9/2004.

2. Claims 1-6, 8-15, 17-23 have been examined and are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-15, 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Donnell U.S Patent No. 6,480,877.

As to claim 1, O'Donnell teaches a method comprising

accessing a definition of an object (proc, line 31 of code table columns 5-6) in terms of a composition of one or more primitive types (int exclude(proc), line 31 of code table columns 5-6);

accessing a platform-specific description of size and alignment (sizeof(struct pst_dynamic), line 26 of code table columns 7-8) of the one or more primitive types (int exclude(proc), line 31 of code table columns 5-6); and

generating a layout (struct pst_status *proc, line 32 of code table columns 5-6) for the object (proc, line 31 of code table columns 5-6) in a high-order language (C

programming language, lines 9-10 column 6) based on the definition of the object (int

exclude(proc), line 31 of code table columns 5-6) and the size and alignment

(sizeof(struct pst_dynamic), line 26 of code table columns 7-8) of the one or more

primitive types (int exclude(proc), line 31 of code table columns 5-6).

O'Donnell does not explitcitly teach a run-time environment. However,

O'Donnell's invention is about identifying active processes to determine whether they

are orphan processes or not; based on the determination, the orphan processes would

be terminated and the computer system resources would be released for other

processes (lines 38-41 and 50-60 column 2). Therefore one of ordinary skill in the art

would conclude that the computer environment of O'Donnell is a run-time environment.

As to claim 2, O'Donnell as modified further teaches generating instructions for

an accessor operation (pstat_getdynamic (&pd, sizeof(struct pst_dynamic), 1, 0), line 26

of code table columns 7-8) to access a slot in the object (proc, line 31 of code table

columns 5-6) holding a value for one of the one or more primitive types (int

exclude(proc), line 31 of code table columns 5-6).

As to claim 3, O'Donnell as modified further teaches generating instructions for

a get operation (pstat_getproc(ps,sizeof(struct pst_status),nproc,0), line 29 of code

table columns 7-8) to fetch a value for one of the one or more primitive types (int

exclude(proc), line 31 of code table columns 5-6) from a slot in the object (proc, line 31

of code table columns 5-6).

As to claim 4, O'Donnell as modified further teaches generating instructions for

a set operation (ps = (struct pst_status *)(malloc(sizeof(struct pst_status) * nproc)), line

28 of code table columns 7-8) to store a value for one of the one or more primitive types (int exclude(proc), line 31 of code table columns 5-6) from a slot in the object (proc, line 31 of code table columns 5-6).

As to claim 5, O'Donnell as modified further teaches the one or more primitive types include integer type (int, line 31 of code table columns 5-6).

As to claim 6, O'Donnell as modified further teaches the primitive reference type is a native machine pointer type (pointer ps, line 28 of code table columns 7-8).

As to claim 8, it is a method claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. O'Donnell as modified further teaches incompatible platforms (sizeof and struct, line 26 of code table columns 7-8).

As to claim 9, O'Donnell as modified further teaches the slots are located in the layouts for the incompatible platforms (pw and ps, lines 12 and 28 of code table columns 7-8), when compiled by a corresponding platform-specific compiler (compiler, line 8 column 10), at same offsets (line 64 column 9 to line 12 column 10).

As to claims 10-15 and 17-18, they are computer readable medium claims of claims 1-6 and 8-9, respectively. Therefore, they are rejected for the same reasons as claims 1-6 and 8-9 above.

As to claim 19, it is a method claim of claim 8. Therefore, it is rejected for the same reasons as claim 8 above. O'Donnell as modified further teaches primitive types have sizes (parameter size, line 12 column 9) and padding element (number of bytes of the structure pst_status, lines 66-67 column 9).

As to claim 20, it is a computer readable medium claim of claim 19. Therefore,

it is rejected for the same reasons as claim 19 above.

As to claim 21, it is a computer readable medium claim of claims 8-9 and 19.

Therefore, it is rejected for the same reasons as claims 8-9 and 19 above.

As to claim 22, O'Donnell as modified further teaches the sizes of the primitive

type (parameter size, lines 9-27 column 9).

As to claim 23, O'Donnell as modified further teaches the alignment restrictions

for the primitive type (struct pst_dynamic, line 26 of code table columns 7-8).

Response to Arguments

4. Applicant's arguments filed 7/9/2004 have been fully considered but they are

not persuasive.

Applicant argued that O'Donnell fails to describe how the code is generated

(Remarks, third paragraph page 10). In response, the written codes in columns 5-6

clearly show how the code is generated. The reference meets the limitation as claimed.

Applicant argued that O'Donnell reference does not focus on generating code

(Remarks, last paragraph page 10). In response, while this may be true it does not

preclude using O'Donnell reference in the claim rejections.

Applicant argued that two different portions were used to identify the same thing,

which is "object" (Remarks, third complete paragraph page 11 continue to first

incomplete paragraph page 12). In response, claim 1 rejection above clearly points out

that: "proc" prefer to the "object"; and "int exclude(proc)" prefers to "the definition of the object", not just the "object" itself.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.

- OFFICAL faxes must be signed and sent to (703) 872 - 9306.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH
October 22, 2004

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